

1 MCGREGOR W. SCOTT
2 United States Attorney
3 MATTHEW D. SEGAL
4 Assistant U.S. Attorney
5 501 I Street, Suite 10-100
6 Sacramento, California 95814
7 Telephone: (916) 554-2708

8
9
10 IN THE UNITED STATES DISTRICT COURT
11 FOR THE EASTERN DISTRICT OF CALIFORNIA

12
13
14
15
16 UNITED STATES OF AMERICA,) CASE NO. S 04-431 GEB
17 Plaintiff,)
18 v.) SUPERSEDING STIPULATION AND
19 SCOTT K. AKERS,) ORDER TO CONTINUE STATUS
20 Defendant.) CONFERENCE AND EXCLUDE TIME
21
22
23
24
25
26
27
28

The parties stipulate and agree that time beginning May 20, 2005 and extending through May 27, 2005 should be excluded from the calculation of time under the Speedy Trial Act. The parties submit that the ends of justice are served by the Court excluding such time, so that counsel for the defendant may have reasonable time necessary for effective preparation, taking into account the exercise of due diligence, and so that the defendant may have continuity of counsel. 18 U.S.C. § 3161(h)(8)(B)(iv). In particular, counsel for the defendant needs more time to discuss the plea agreement with the defendant. Counsel for the defendant recently moved offices, and this resulted in difficulties in receiving and analyzing documents sent by the government. Only at this time is counsel for the defendant in a position to

1 discuss those documents with the defendant. The parties
2 stipulate and agree that the interests of justice served by
3 granting this continuance outweigh the best interests of the
4 public and the defendant in a speedy trial. 18 U.S.C. §
5 3161(h)(8)(A).

6 The parties further request that this matter be taken off
7 calendar until May 27, 2005.

8

9

10 Respectfully Submitted,

11 MC GREGOR W. SCOTT
12 United States Attorney

13 DATE: May 19, 2005

14 By: /s/ Matt Segal
15 MATTHEW D. SEGAL
16 Assistant U.S. Attorney

DATE: May 19, 2005

/s/Joseph J. Wiseman by MDS
JOSEPH J. WISEMAN

SO ORDERED.

Dated: May 19, 2005

/s/ Garland E. Burrell, Jr.
GARLAND E. BURRELL, JR.
United States District Judge